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SENATE BILL 474

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Roman M. Maes III

AN ACT

RELATING TO LOCAL GOVERNMENTS; PROHIBITING ORDINANCES THAT
INCREASE THE COST OF HOUSING CONSTRUCTION; DECLARING AN
EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 3-17-1 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-16-1, as amended) is amended to read:

"3-17-1. ORDINANCES--PURPOSES.--

A. The governing body of a municipality may adopt
ordinances or resolutions not inconsistent with the laws of New
Mexico for the purpose of:

~~[A.]~~ (1) effecting or discharging the powers
and duties conferred by law upon the municipality;

~~[B.]~~ (2) providing for the safety, preserving
the health, promoting the prosperity and improving the morals,

underscored material = new
[bracketed material] = delete

1 order, comfort and convenience of the municipality and its
2 inhabitants; and

3 [~~6-~~] (3) enforcing obedience to the ordinances
4 by prosecution in the municipal court and metropolitan courts
5 and upon conviction the imposition of:

6 [~~(1)~~] (a) except for those violations of
7 ordinances described in [~~Paragraphs (2) and (3)~~] Subparagraph
8 (b) and (c) of this [~~subsection~~] paragraph, a fine of not more
9 than five hundred dollars (\$500) or imprisonment for not more
10 than ninety days or both;

11 [~~(2)~~] (b) for a violation of an
12 ordinance prohibiting driving a motor vehicle while under the
13 influence of intoxicating liquor or drugs, a fine of not more
14 than one thousand dollars (\$1,000) or imprisonment for not more
15 than three hundred sixty-four days or both; and

16 [~~(3)~~] (c) for violations of an
17 industrial user wastewater pretreatment ordinance as required
18 by the United States environmental protection agency, a fine of
19 not more than one thousand dollars (\$1,000) a day for each
20 violation.

21 B. Beginning on the date on which this 2003 act
22 becomes effective, a board of county commissioners or the
23 governing body of a municipality, including a home rule
24 municipality, shall not adopt an ordinance that will
25 unreasonably increase the cost of low-income or affordable

1 housing. "

2 Section 2. EMERGENCY.--It is necessary for the public
3 peace, health and safety that this act take effect immediately.

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